

Exhibit B

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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JESKA SAND, CHRISTOPHER SCHIFFER,
PATRIZZA JIMENEZ, CAROLINA KORTH,
and JESSICA LLONCH, on behalf of themselves
and all others similarly situated, and
SARAH SANDERS, individually,

Plaintiffs,

-against-

STEVEN GREENBERG and 230FA LLC d/b/a/
230 FIFTH AVENUE and 230 FIFTH AVENUE
ROOFTOP GARDEN,

Defendants.

08 Civ. 7840 (PAC)

**DEFENDANTS' OFFER
OF JUDGMENT
PURSUANT TO RULE 68**

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendants Steven Greenberg and 230FA LLC d/b/a 230 Fifth Avenue and 230 Fifth Avenue Rooftop Garden (hereinafter referred to as "Defendants") offer to allow judgment to be taken against it with respect to the action filed by Jeska Sand, Christopher Schiffer, Patrizza Jimenez, Carolina Korth, and Jessica Llonch, on behalf of themselves and all others similarly situated, and Sarah Sanders, individually (hereinafter referred to as "Plaintiffs") in the amount of \$525,000, on a class-wide basis, inclusive of all damages, liquidated damages and/or interest plus reasonable attorneys' fees, costs and expenses actually incurred, to which Plaintiffs may be entitled to by law, to be determined by the Court.

The offer will be deemed withdrawn unless Plaintiffs serve a written notice of acceptance of the offer within 10 days of the date that it was served on Plaintiffs. This

offer is made for the purposes of Rule 68 only, and neither it nor any judgment resulting from this offer may be construed as an admission of (a) liability on the part of Defendants; or (b) that Plaintiffs (or any putative class or collective action member) have suffered any damage.

If this offer is rejected by Plaintiffs, and the final judgment that Plaintiffs ultimately obtain, if any, is not more favorable than this offer, then Plaintiffs shall be liable for all costs incurred by Defendants after the date of service of this offer.

DATED: New York, New York
November 12, 2009

FOX ROTHSCHILD LLP

By: 

Carolyn D. Richmond, Esq.

Eli Z. Freedberg, Esq.

FOX ROTHSCHILD LLP

100 Park Avenue, 15th Floor

New York, NY 10017

Tel.: 212-878-7900

Attorneys for Defendants

CERTIFICATE OF SERVICE


I hereby certify that on November 12, 2009, I delivered the foregoing Defendants' Rule 68 Offer of Judgment by electronic mail, to counsel for Plaintiffs in the above-referenced action located at:

Lauren Schwartzreich
OUTTEN & GOLDEN LLP
3 Park Avenue, 29th Floor
New York, New York 10016
Tel.: (212) 245-1000

D. Maimon Kirschenbaum
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Dated: November 12, 2009

By: _____


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